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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No. 316 of 1990.

Date of decision: 18th December, 1990.

1. Bhagirathi Sahu, aged about 26 years, son of Ramachandra Sahu, At/P.O. Batto, Via-Sainkul, District-Keonjhar, now working as E.D.B.P.M., Batto.
2. Kshyamakar Rout, aged about 26 years, son of Late Ratnakar Rout, At-Nayagada, P.O. Batto, District-Keonjhar, now working as E.D.D.A., Batto Post Office.

..... Applicants

Versus -

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa, At/P.O. Bhubaneswar, Dist. Puri.
3. Superintendent of Post Offices, Keonjhar Division, At/P.O. Dist. Keonjhar.
4. Sub-Divisional Inspector (Postal), Keonjhar Sub-Division, At/P.O. /District- Keonjhar.

..... Respondents

For the applicant ... M/s. Devanand Misra, Deepak Misra
A. Deo, B.S. Tripathy & P. Panda

For the Respondents ... Mr. A.K. Misra

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D
THE HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN

1. Whether reporters of local papers may be allowed to see the judgement ? Yes.

2. To referred to the Reporters or not ? No

3. Whether Their Lordships wish to see the fair copy of the Judgement ? Yes.

JUDGEMENT :-

K.P.ACHARYA, VICE-CHAIRMAN

In this application under section 19 of the Administrative Tribunal's Act, 1985, the Petitioners pray for a direction to be issued to the Opposite Parties to regularise their services.

2. Shortly stated, the case of the Petitioners is that the Petitioner No.1 was working as Extra Departmental Branch Post Master in Batto Post Office within the district of Keonjhar and the Petitioner No.2 was working as Extra Departmental Delivery Agent in the same Post Office. Both of them were working in place of their predecessors who had been convicted in a Criminal Case and ultimately they were convicted in the Criminal case and even after conviction they were continuing ^{despite} in the order already passed putting up those persons from duty. The Hon'ble High Court of Orissa allowed the appeal preferred by both the Petitioners and ultimately they were reinstated into the service. By virtue of the re-instatement, consequently the petitioners have been ousted from the post which they were occupying i.e. E.D.B.P.M. of Batto Post Office as E.D.D.A. in the same post Office.

3. In this connection we have heard Mr. Deepak Misra, learned Counsel for the applicant and Mr. A.K.Misra, learned Senior Standing Counsel for the Respondents. The question of regularising the services of the Petitioner's does not arise. Mr. Deepak Misra submitted that both the Petitioners could be adjusted in some other post offices because they have been working ^{faithfully} smoothly and carrying out

their duties efficiently, and essential services to the Postal Department for long 6 years and 3 years respectively. We would therefore request ^{O.P. Nos 243} that in case there is any vacancy the Petitioners can be adjusted as E.D.B.P.M and E.D.D.A. or they should be adjusted in the vacancy arising in future and their names should be considered and we hope and trust the Chief Post Master General and the concerned Superintendent of Post Offices, namely S.P.O's Keonjhar Division would take compassionate view over the Petitioner and try to adjust the Petitioners in the Postal Department within the district of Keonjhar.

This application accordingly is disposed of leaving the parties to bear their respective costs.

Banerjee
..... 18/12/90

VICE-CHAIRMAN

Agarwal
..... 18/12/90

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack
18th December, 1990/Mohapatra

